



FRIER LEVITT CELEBRATING 20 YEARS  
ATTORNEYS AT LAW

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August 9, 2021

*Via Overnight Mail*

Synergy Group Wholesalers  
491 Amwell Road  
Hillsborough, NJ 08844

Dear Sir/Madam:

This firm represents Safe Chain Solutions (“Safe Chain”) in connection with recent sales of Gilead products sold by Synergy Group Wholesalers (“Synergy”) to Safe Chain. In particular, it has come to our attention that certain Gilead-branded products sold by Synergy to Safe Chain were either illegitimate, adulterated, based upon a falsified T3 Report, or a combination thereof. Further, it has come to our attention that even though you represented yourself to have sourced Gilead-branded medication directly from a Gilead Authorized Distributor, this was not the case. Finally, given some of the details we have learned regarding T3 Reports supplied by you, Safe Chain has further concerns regarding the legitimacy of *any* products received from Synergy (irrespective of whether they are Gilead-branded or not). Through this letter, we advise you that Safe Chain will not be making payment on any outstanding balances with Synergy, based upon the Drug Supply Chain Security Act and the Uniform Commercial Code. Safe Chain reserves all rights against Synergy regarding any illegitimate sales. In accordance with directives from the manufacturer and legal requirements, Safe Chain may not and shall not return any illegitimate product to Synergy.

Pursuant to an investigation being conducted by Gilead, Gilead has reviewed T3’s for Gilead-branded medications purchased by Safe Chain from Synergy. Upon their review, Safe Chain was informed that the pedigree documentation was illegitimate. Specifically, Gilead stated that the sale from Gilead to Synergy was falsified, i.e., the sale was inconsistent with Gilead’s records. Moreover, Gilead stated that Cesar Castillo informed Gilead that it had no record of any customer named Synergy or any trading partner associated with Synergy. Safe Chain fears that – despite its extensive due diligence efforts – it has been duped by Synergy and provided with falsified documents (including T3 reports, product invoices and even email communication). To the extent Synergy has evidence to the contrary, we request that you provide it to this office immediately.

Likewise, with respect to non-Gilead product, many of these same concerns persist. As noted, Cesar Castillo denies having ever done business with Synergy of any kind. Moreover, these developments have caused Safe Chain to question the integrity of product received from Synergy from whatever source. *See*, Food Drug Administration Center for Drugs Evaluation Research (2021). Drug Supply Chain Security Act Implementation: Identification of Suspect Product and Notification Guidance for Industry (FDA Maryland). Again, to the extent Synergy has evidence demonstrating the authenticity and legitimacy of the products sold to Safe Chain, we request that you provide it to this office immediately.

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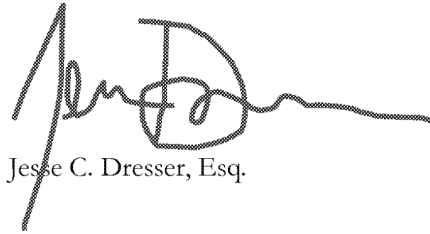
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Under UCC § 2-608, after a buyer has accepted goods, the acceptance may be revoked where “the buyer initially accepted the goods without discovering the non-conformity either because of the difficulty of discovery or because of the seller’s assurances. In this case, the non-conformity was not discovered because of the T3 documentation provided by Synergy.<sup>1</sup> Therefore, we are notifying Synergy, the seller, of this revocation. At a minimum, we will not be paying the invoice for the illegitimate product, which we cannot sell. The false T3 documentation that Synergy provided has halted Safe Chain’s business, created enormous legal exposure (Gilead has accused Safe Chain and, by default Synergy, of trafficking in counterfeit Gilead products), and resulted in potential damages in the amount of millions of dollars. Additionally, this matter has caused damage to our goodwill and tarnished our reputation and good name, which is literally “Safe Chain.”

This letter is without prejudice to any rights and remedies of Safe Chain, all of which are expressly reserved.

Sincerely,

**FRIER & LEVITT, LLC**

A handwritten signature in black ink, appearing to read 'Jesse C. Dresser', with a stylized, cursive script.

Jesse C. Dresser, Esq.

JCD/jlm

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<sup>1</sup> "[T]he question is whether the non-conformity is such as will in fact cause a substantial impairment of value to the buyer though the seller had no advance knowledge as to the buyer's particular circumstances."